



STATE OF INDIANA

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August 13, 2010

Donald E. Baugher
801 Michigan Ave.
LaPorte, IN 46350

Re: Informal Inquiry 10-INF-35: LaPorte County Sheriff's Office

Dear Mr. Baugher:

This is in response to your inquiry regarding the LaPorte County Sheriff's Office (the "Sheriff"). Pursuant to Ind. Code § 5-14-4-10(5), I issue the following opinion in response to your inquiry. My opinion is based on applicable provisions of the Access to Public Records Act ("APRA").

You allege that you submitted a written request for public records to the Sheriff dated April 28, 2010. You request sought "an itemized distribution list of the Sheriff's Commissary Fund from the period of July 1, 2009 through December 31, 2009." As of July 2, 2010, the Sheriff had not responded to that request.

Under the APRA, a request for access to public records may be oral or written. I.C. §5-14-3-3(a); §5-14-3-9(c). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. I.C. §5-14-3-9(b). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. I.C. §5-14-3-9(a). A response from the public agency could be an acknowledgement that the request has been received and information regarding how or when the agency intends to comply. The APRA also provides that when an APRA request is made in writing and the agency denies the request, the agency must deny the request in writing and must include a statement of the specific exemption or exemptions authorizing the withholding of all or part of the record and the name and title or position of the person responsible for the denial. I.C. § 5-14-3-9(c). Thus, if the Sheriff failed to respond to your written request within seven (7) days, the Sheriff violated the APRA.

To the extent that an agency fails to grant access to public records following the issuance of an advisory opinion from this office, your client's remedies lie with a court pursuant to Ind. Code § 5-14-3-9(e).

If I can be of additional assistance, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink that reads "Andrew J. Kossack". The signature is written in a cursive style with a large, sweeping initial 'A'.

Andrew J. Kossack
Public Access Counselor